



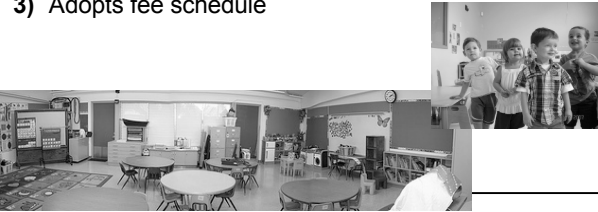





 Snohomish County <i>Planning and Development Services</i>	Impact Fees and Concurrency Workshop
	<h1>"The Tug of War Between Regulator and Regulatee"</h1> <hr/> <p>Law Seminars – August 3, 2007 Craig Ladiser, Director</p>



 Snohomish County <i>Planning and Development Services</i>	Impact Fees and Concurrency Workshop
	<h2>Comprehensive Planning Hierarchy</h2> <ul style="list-style-type: none">☐ Snohomish County GMA Comprehensive Plan, General Policy Plan<ul style="list-style-type: none">☐ Comprehensive Plan Transportation Element☐ Comprehensive Plan Capital Facilities Element<ul style="list-style-type: none">☐ Capital Facilities Plan☐ Capital Improvement Program☐ Statement of Assessment <hr/> <p>Law Seminars – August 3, 2007 Craig Ladiser, Director</p>



	<h2>Impact Fees and Concurrency Workshop</h2>
	<h3><u>Packet Documents - the “A, B, C’s” of mitigation fees</u></h3> <p>Chapter 30.66A Snohomish County Code - Parks Chapter 30.66B Snohomish County Code - Roads Chapter 30.66C Snohomish County Code - Schools</p> 
<p>Snohomish County Planning and Development Services</p>	<p>Law Seminars – August 3, 2007 Craig Ladiser, Director</p>



	<h2>Impact Fees and Concurrency Workshop</h2>
	<h3>School Impact Fee Mitigation Packet Information</h3> <p>Ordinance No, 06-086</p> <ol style="list-style-type: none">1) Non-county agency2) Adopts Capital Facilities Plans of Schools <u>under</u> the County’s Comprehensive Plan3) Adopts fee schedule 
<p>Snohomish County Planning and Development Services</p>	<p>Law Seminars – August 3, 2007 Craig Ladiser, Director</p>



	<h2>Impact Fees and Concurrency Workshop</h2>
	<h3>County Parks Impact Fee Mitigation Packet Information</h3>
Snohomish County <i>Planning and Development Services</i>	<p>Ordinance No, 04-016</p> <ol style="list-style-type: none">1) County agency)2) Adopts County Parks Comprehensive Plan and Capital Facilities Plans3) Adopts fee schedule for parks  
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	<h2>Impact Fees and Concurrency Workshop</h2>
	<h3>County Transportation Impact Fee Mitigation Packet Information</h3>
Snohomish County <i>Planning and Development Services</i>	<p>Ordinance No, 05-092</p> <ol style="list-style-type: none">1) County agency2) Maintains Consistency with Comprehensive Plan Transportation Element3) LOS and Ultimate Capacity4) Adopts fee schedule for roads 
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 Snohomish County Planning and Development Services	<h2>Impact Fees and Concurrency Workshop</h2>
	<h3>Capital Facilities Plan</h3>  <ul style="list-style-type: none">• Inventory of Existing Capital Facilities• County Operated Capital Facilities• Capital Facilities of External Public Agencies• Forecast of Future Capital Facilities Needs• County Operated Capital Facilities• 6-Year Capital Improvement Program <hr/> <p>Law Seminars – August 3, 2007 Craig Ladiser, Director</p>



 Snohomish County Planning and Development Services	<h2>Impact Fees and Concurrency Workshop</h2>
	<h3>Capital Facilities Plan</h3>  <p><u>Forecast of Future Capital Facilities Needs</u> Goal 12 of GMA: “Ensure that those public facilities and services <i>necessary to support development</i> shall be adequate to service the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards”</p> <hr/> <p>Law Seminars – August 3, 2007 Craig Ladiser, Director</p>



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	<h3>Snohomish County Capital Facilities Plan defines “necessary to support development” as:</h3> <ul style="list-style-type: none">• Public Streets and Transit Routes• Public Water Supply System• Public Wastewater System• Community Park Land and Recreation Facilities• Surface Water Management System (Urban)• Electric Power• Public Schools  <hr/> <p>Law Seminars – August 3, 2007 Craig Ladiser, Director</p>



 Snohomish County <i>Planning and Development Services</i>	<h2>Impact Fees and Concurrency Workshop</h2> <hr/>
	<h3>Snohomish County’s “Statement of Assessment”:</h3>  <ol style="list-style-type: none">1. Will minimum levels of service for those public facilities necessary for development, be maintained by the projects included in the CIP?2. Will potential funding shortfalls in necessary services provided by the county and other governmental agencies warrant a reassessment of the comprehensive plan?3. Do regulatory measures reasonably ensure that new development will not occur unless the necessary facilities are available to support the development at or above the adopted levels of service? <hr/> <p>Law Seminars – August 3, 2007 Craig Ladiser, Director</p>



	<h2>Impact Fees and Concurrency Workshop</h2>
	<p style="text-align: center;">Snohomish County’s “Statement of Assessment”:</p> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="flex: 1;"> <p>6-Year CIP horizon vs. 20-Year Planning horizon</p> <p>Who determines Level of Service for non-county agencies?</p> <ul style="list-style-type: none"> • Schools (Impact fees) • Public Water and Sewer </div> <div style="text-align: center; flex: 0.2;">  </div> </div> <hr style="width: 30%; margin-left: auto; margin-right: auto;"/> <p style="text-align: right; font-size: small;">Law Seminars – August 3, 2007 Craig Ladiser, Director</p>
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	<h2>Impact Fees and Concurrency Workshop</h2>
	<p style="text-align: center;">RCW 82.02.050 Impact fees – Intent – Limitations.</p> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="flex: 1;"> <p>(4) Impact fees may be collected and spent only for the public facilities defined in RCW <u>82.02.090</u> which are addressed by a capital facilities plan element of a comprehensive land use plan adopted pursuant to the provisions of RCW <u>36.70A.070</u> or the provisions for comprehensive plan adoption contained in chapter <u>36.70</u>, <u>35.63</u>, or <u>35A.63</u> RCW. After the date a county, city, or town is required to adopt its development regulations under chapter <u>36.70A</u> RCW, continued authorization to collect and expend impact fees shall be contingent on the county, city, or town adopting or revising a comprehensive plan in compliance with RCW <u>36.70A.070</u>, and on the capital facilities plan identifying:</p> <ul style="list-style-type: none"> (a) Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time; (b) Additional demands placed on existing public facilities by new development; and (c) Additional public facility improvements required to serve new development. <p>If the capital facilities plan of the county, city, or town is complete other than for the inclusion of those elements which are the responsibility of a special district, the county, city, or town may impose impact fees to address those public facility needs for which the county, city, or town is responsible.</p> </div> <div style="text-align: center; flex: 0.2;">  </div> </div> <hr style="width: 30%; margin-left: auto; margin-right: auto;"/> <p style="text-align: right; font-size: small;">Law Seminars – August 3, 2007 Craig Ladiser, Director</p>
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	<h2>Impact Fees and Concurrency Workshop</h2> <hr/>
	<h3>Capital Facilities Plan Element</h3> <p>GMA-based fees must meet requirements dealing with GMA Capital Facilities Plans.</p> <p>For Snohomish County, the <i>Transportation Element</i> constitutes the capital facilities plan with respect to transportation. The <i>Transportation Element</i> meets all of the requirements for a CFP as defined in RCW 36.70A.</p> 
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	<h3>Comprehensive Plan Policy</h3> <p><u>Objective TR 5.A</u></p> <p>To comply with the Growth Management Act, cooperation will be established with the cities, transit operators, a WSDOT, regarding concurrency and level of service requirements”</p> 
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	<h2>Impact Fees and Concurrency Workshop</h2> <hr/>
	<h3>Comprehensive Plan Policy</h3> <p><u>TR 5.A Policies</u></p> <p>5.A.1 The county shall identify additional transportation mitigation for proposed developments that impact roadways determined to be at ultimate capacity”</p> <p>5.A.2 Transportation level of service shall be used in a manner that is consistent with growth management tools that manage the rate of growth in rural areas and encourage more intense development within urban areas</p> <hr/> 
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	<h3>Comprehensive Plan Policy</h3> <p><u>TR 5.A Policies (abbreviated text)</u></p> <p>5.A.4 Concurrency requirements for land developments shall be pursued by considering adopted level of service standards and the financial resources available.”</p> <p>5.A.8 Level of service shall be monitored and reported</p> <hr/> 
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	<h2>Impact Fees and Concurrency Workshop</h2> <hr/>
	<p>Snohomish County Planning and Development Services</p> <p>Q. What does transportation concurrency mean?</p> <p>Concurrency requires a specific land use (development) to be accompanied by sufficient infrastructure in place to support it. In other words, you can't build 50 new homes unless there are enough roads, utilities, open space, etc. to accommodate the resulting increase in new residents.</p> <div style="text-align: center;">  </div> <div style="text-align: right;"> <p>Law Seminars – August 3, 2007 Craig Ladiser, Director</p> </div>


	<h2>Impact Fees and Concurrency Workshop</h2> <hr/>
	<p>Snohomish County Planning and Development Services</p> <p>Q. What is a transportation “concurrency determination”?</p> <p>Each development application is reviewed to determine whether or not there is enough <u>capacity</u> on arterial roads in the vicinity to accommodate the new traffic that will be generated by the proposed development without having <u>traffic congestion</u> increase to unacceptable levels. Simply stated, if there is sufficient arterial capacity, the development is deemed concurrent and can proceed.</p> <div style="text-align: center;">  </div> <div style="text-align: right;"> <p>Law Seminars – August 3, 2007 Craig Ladiser, Director</p> </div>

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	<p>Q. How does the County measure concurrency?</p> <p>Over the years, traffic engineers have developed various methods for measuring and estimating congestion levels on roads. These methods are used in the Concurrency Management System. The units of measurement used to express the amount of congestion are known as levels of service.</p> <div style="text-align: center;"></div> <p style="text-align: right;"><small>Law Seminars – August 3, 2007 Craig Ladiser, Director</small></p>

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	<p>Q. What is Snohomish County’s transportation “level-of-service?”</p> <p>Levels of service (LOS) is an alphabetical grading scale that measures the number of vehicles a road can accommodate over a certain period of time.</p> <div style="text-align: center;"></div> <p style="text-align: right;"><small>Law Seminars – August 3, 2007 Craig Ladiser, Director</small></p>

	<h2>Impact Fees and Concurrency Workshop</h2> <hr/> <h3>Q. How does the County make concurrency determinations?</h3>
	<p>When a developer makes an initial development application, it includes a traffic study. Based on the traffic study, the County determines whether the development will impact any arterial units in arrears (AUIN's). Developments that do not impact any AUIN's, are deemed concurrent and are issued a certificate of concurrency. A development without a certificate, cannot be approved.</p> <div style="display: flex; justify-content: space-between; align-items: center;">  <div style="text-align: right;"> <p><small>Law Seminars – August 3, 2007 Craig Ladiser, Director</small></p> </div> </div>

	<h2>Impact Fees and Concurrency Workshop</h2> <hr/> <h3>System Improvements that Reasonably Benefit Development</h3>
	<p>The RCW uses the term “system” improvements as contrasted with “project” improvements. There are two main ways that the County makes sure that fees from particular developments will reasonably benefit those developments.</p> <div style="display: flex; justify-content: space-between; align-items: center;">  <div style="text-align: right;"> <ul style="list-style-type: none"> •revenues from fees are only spent on projects needed to support new development (i.e., identified as part of the cost basis). •the County makes sure that fees collected from a development are spent only on projects in the same TSA as the development. </div> </div> <div style="text-align: right; margin-top: 10px;"> <p><small>Law Seminars – August 3, 2007 Craig Ladiser, Director</small></p> </div>




Snohomish County
Planning and Development Services


Impact Fees and Concurrency Workshop

Transportation Service Areas (TSAs)

"Transportation service area" means a geographic area of the county, as defined in the transportation needs report, identified for the purpose of evaluating the transportation impacts of development, determining proportionate shares of needed transportation improvements and allocating revenue to transportation improvement projects.

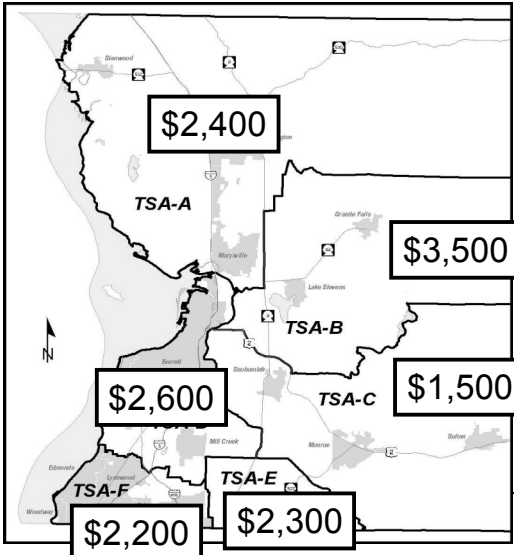


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Snohomish County
Planning and Development Services


Impact Fees and Concurrency Workshop






Average Traffic Impact Fee for a New Single-Family Residence (SFR) in each Snohomish County Transportation Service Areas (TSA)


February 1, 2006

Law Seminars – August 3, 2007
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	<h3>Deficiencies</h3> <p>The RCW indicates that fees must be based on a CFP identifying:</p> <p>82.02.050 (4) (a) Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time</p> <hr/> <p style="text-align: right;"><small>Law Seminars – August 3, 2007 Craig Ladiser, Director</small></p>

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	<h3>County Arterials that impact fees cannot be used to improve:</h3> <ul style="list-style-type: none">▪ 35th Avenue SE - Limit -168th St SE to Seattle Hill Rd*▪ Seattle Hill Road - Limit - State Route 96 to Seattle Hill Rd* <div style="display: flex; align-items: center;"><p style="font-size: small;">*Two Existing Arterial (road) Deficiencies at the time of Transportation Element Adoption (year 2005)</p></div> <hr/> <p style="text-align: right;"><small>Law Seminars – August 3, 2007 Craig Ladiser, Director</small></p>

 Snohomish County Planning and Development Services	<h2>Impact Fees and Concurrency Workshop</h2> <hr/>
	<h3>Timing and Vesting</h3> <ul style="list-style-type: none">•Perspective of the citizens “pay and go”•6-Year deadline to use fees•Building Permit vs. Development Permit <p>“Occupancy” causes the “Impact”</p> <hr/> <p>Law Seminars – August 3, 2007 Craig Ladiser, Director</p>

 Snohomish County Planning and Development Services	<h2>Questions?</h2> <hr/>
	<p>Snohomish County Planning & Development Services Craig Ladiser, Director 3000 Rockefeller Ave, M/S 604, Everett, WA 98201 425-388-3122 or Craig.Ladiser@co.snohomish.wa.us</p> <hr/> <p>Law Seminars - April 20, 2006 Craig Ladiser, Director</p>